TO PRESIDENT DONALD J. TRUMP,

SECRETARY ROBERT F. KENNEDY JR.,

THE PRESIDENT'S MAKE AMERICA HEALTHY AGAIN COMMISSION,

THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
THE DEPARTMENT OF AGRICULTURE,
AND THE ENVIRONMENTAL PROTECTION AGENCY

A PETITION TO
MAKE AMERICA HEALTHY AGAIN

By Eliminating Extraordinarily Toxic Pesticides from Food

February 18, 2025
Center for Biological Diversity

"For too long, Americans have been crushed by the industrial food complex and drug companies who have engaged in deception, misinformation, and disinformation when it comes to Public Health. The Safety and Health of all Americans is the most important role of any Administration, and HHS will play a big role in helping ensure that everybody will be protected from harmful chemicals, pollutants, pesticides . . . that have contributed to the overwhelming Health Crisis in this Country."

- Donald J. Trump, Nov. 14, 2024

February 18, 2025

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Trump,

The United States is facing an unprecedented health crisis. Americans suffer from some of the highest rates of chronic disease out of any developed nation, with heart disease, diabetes, and obesity burdening our health care system and decreasing life-expectancies. At the same time, everyday Americans are regularly exposed to dozens of toxic pesticides. The overwhelming scientific evidence shows that our consumption of ultra-processed and chemical laden foods is a clear contributor to this healthcare epidemic.

Secretary Kennedy has accurately described some of the worst pesticides used in agriculture as "extraordinarily toxic."[1] In illustrating their harm, he has noted that some of these pesticides were "originally developed by Nazis during World War II for use as a nerve gas."[2] Such extraordinarily toxic pesticides warrant immediate and decisive action if we hope to confront our healthcare crisis. As these pesticides increasingly permeate our daily lives, we cannot hope to make America healthy again if we do not eliminate their presence in the food we eat every day.

As you have correctly observed, "Americans have been crushed by the industrial food complex" and that "we spend billions and billions of dollars on pesticides. And something bad is happening" due to these extraordinarily toxic, widely used pesticides.[3] We support your pledge that your administration will "ensure that everybody will be protected from harmful chemicals, pollutants, [and] pesticides."[4]

With Mr. Kennedy now confirmed as Secretary of the Department of Health and Human Services, and your campaign pledge that he will "go wild on the food," now is the time to eliminate extraordinarily toxic pesticides that are ubiquitous in our food system.[5] Secretary Kennedy has correctly warned that "pesticides…permeate every cell in our bodies," and that the use of these extraordinarily toxic pesticides in our food represents "chemical warfare" and a "mass poisoning" of American citizens.[6] He has elaborated that "neonicotinoid pesticides, atrazine, [and] glyphosate" are "hurting our kids" and contributing to the healthcare epidemic.[7] And he has warned of the links

[1] Robert F. Kennedy, *Murdering the Bees with Dr. David Carpenter*, (July 21, 2023) https://tinyurl.com/5dspv997.
[2] Robert F. Kennedy, Facebook (Dec. 19, 2019) https://tinyurl.com/5drwh923.
[3] Press Conference: Donald Trump Speaks with Reporters at Mar-a-Lago (Dec. 16, 2024) https://tinyurl.com/ycksmsce.
[4] @realDonaldTrump, X (Nov. 14, 2024) https://x.com/realDonaldTrump/status/1857170020427595797#m
[5] Brett Samuels, Trump Says He'll Let RFK Jr. 'Go Wild' on Health and Food in Potential Second Term The Hill (Oct. 27, 2024) https://tinyurl.com/yf45w22v.
[6] American Health and Nutrition: A Second Opinion, Sen. Ron Johnson, Washington, D.C. (Sept. 23, 2024).
[7] Mark Hyman, *The #1 Cause of Obesity, Diabetes & Illness Nobody Talks About | Robert Kennedy Jr & Mark Hyman* (Jan. 24, 2024) https://www.youtube.com/watch?v=rQedKOpJM-0

of pesticides to cancer, infertility, obesity, hormone imbalances, developmental disorders, and the "chemical castration" of male frogs.[8]

Unfortunately, the regulation of pesticides is ineffectively divided among the Food and Drug Administration ("FDA"), the Environmental Protection Agency ("EPA"), and the United States Department of Agriculture ("USDA"). This weakens the nation's ability to effectively respond to this health crisis, especially as massive chemical corporations exploit our lax pesticide laws to keep these extraordinarily toxic pesticides on the market.

Therefore, we petition you and your administration to take decisive action to address the worst and most dangerous of these pesticides by taking the following actions: (1) require the FDA to set up a mandatory enforcement framework that protects Americans from imported food contaminated by extraordinarily toxic pesticides; (2) require the EPA to ban extraordinarily toxic pesticides for use in human food; (3) require the USDA to condition its support of farming operations that provide Americans with their food by eliminating the use of extraordinarily toxic pesticide on food crops; and (4) mandate the USDA and HHS include clear language in the Dietary Guidelines for Americans to avoid foods laden with pesticides.

One of the first steps in making America healthy again is to tackle the scourge of extraordinarily toxic pesticides that remain ever-present in our food, our water and our environment. We hope that you accept this petition and take these commonsense steps to make America healthy again.

Sincerely,

Kierán Suckling
Executive Director
Center *for* Biological Diversity

cc:

The Honorable Robert F. Kennedy Jr.
Secretary
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200 Independence Ave, S.W.
Washington, D.C. 20201

The Honorable Lee Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable Brooke Rollins
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

[8] ROBERT F. KENNEDY JR., CRIMES AGAINST NATURE 91-92 (2002); Jordan Peterson, *The Great Partisan Shift | Robert F. Kennedy Jr. | EP 484* (Sept. 26, 2024) https://www.youtube.com/watch?v=bKniGfvOePc; R. F. Kennedy, *The Future of Farming with Farming Pioneer Joel Salatin* (Aug. 1, 2022) https://www.youtube.com/watch?v=edgQH7MRuGg

A PETITION TO MAKE AMERICA HEALTHY AGAIN
By Eliminating Extraordinarily Toxic Pesticides from Food

INTRODUCTION

The United States uses over one billion pounds of pesticides per year, with pesticides which have been banned in the EU, China and Brazil accounting for over a quarter of our total pesticide use.[9] These pesticides are so ubiquitous in our food system that more than 90 percent of Americans have detectable levels of pesticides in their bodies, most of which comes from conventionally grown food crops.[10] These extraordinarily toxic pesticides — namely atrazine, glyphosate, organophosphate insecticides, neonicotinoid insecticides, 2,4-D and paraquat — are potential culprits behind the poor health plaguing so many Americans. The Environmental Protection Agency, Food and Drug Administration, and United States Department of Agriculture must address their systemic failure to use their authorities to address what some, including Secretary Kennedy, consider to be causing a mass poisoning of our nation's food supply.

Unlike many other countries, the United States does not adopt the principle that pesticides are unsafe until proven otherwise. The Federal Insecticide Fungicide and Rodenticides Act ("FIFRA"), the Federal Food, Drug, and Cosmetic Act ("FDCA"), and the Food Quality Protection Act ("FQPA") – the laws the govern pesticides – allow for pesticides residues to remain on consumable food so long as they are below a "safe" level, referred to as the pesticide tolerance. The data used to justify what levels are presumably "safe" are in fact generated and paid for by the pesticide industry and its contractors and consultants.[11] Many have questioned whether these data are misleading, biased, or even possibly fabricated to justify a predetermined conclusion that such pesticides are "safe" for human consumption.[12] This unfortunately has allowed pesticides banned in other countries to be legally authorized for use on hundreds of millions of acres in the United States, and constitute our most commonly used pesticides.

As a result, far too many foods that are regularly consumed in the United States that are considered "safe" are instead likely contaminated with toxic pesticides. A recent comprehensive review by Consumer Reports found that 20 percent of the foods examined – which includes popular choices such as blueberries, green beans, potatoes, and strawberries – contained unhealthy levels of dangerous pesticides, which in some cases were 100 times the level scientists considered safe.[13] Nearly half of organic honey samples tested contained dangerous levels of glyphosate that some

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[9] Micheal CR Alavanja, *Pesticide Use and Exposure Extensive Worldwide* 24 Rev. Envtl. Health (2009) https://pmc.ncbi.nlm.nih.gov/articles/PMC2946087/

[10] Liza Gross, *More Than 90 Percent of Americans Have Pesticides or Their Byproducts in Their Bodies* THE NATION (2019) https://www.thenation.com/article/archive/pesticides-farmworkers-agriculture/

[11] Boone, Michelle D., et al. *Pesticide regulation amid the influence of industry*. BioScience 64.10 (2014): 917-922.

[12] U.S. EPA, *EPA Halts Acceptance of Data for Pesticide Registration from a Non-Compliant Laboratory* (May 24, 2024) https://www.epa.gov/pesticides/epa-halts-acceptance-data-pesticide-registration-non-compliant-laboratory; Helaine Olen *U.S. Probes Claim That Lab Falsified Data on Pesticides* LA TIMES (Mar. 2, 1991) https://www.latimes.com/archives/la-xpm-1991-03-02-mn-1797-story.html

[13] Catherine Roberts, *Produce Without Pesticides* CONSUMER REPORTS (Apr. 18, 2024) https://www.consumerreports.org/health/food-contaminants/produce-without-pesticides-a5260230325/

believe could trigger cancer development.[14] Pesticides are so ubiquitous in our food supply that even baby food is regularly found to be contaminated with organophosphate pesticides.[15]

This alarming level of pesticide contamination is concerning given that infants and children can be harmed by even minimal amounts of pesticide exposure, which can have devastating, life-long impacts to their health. The European Food Safety Authority has determined that any pesticide exposure above 0.01 mg/kg in food – roughly the weight of a single grain of salt – is considered unsafe for infants, and for pesticides with higher toxicity, the safe level may be even lower.[16] In the United States, however, it has become increasingly difficult to eliminate this risk, as even when precautions are taken, pesticides like atrazine, chlorpyrifos, and malathion have been found to permeate breast milk and expose newborn children to extraordinarily toxic pesticides.[17]

Pesticide contamination is not a new phenomenon or problem for this country. The United States passed the Food Quality Protection Act in 1996 to ensure that "[i]f a pesticide poses a danger to our children, then it won't be in our food."[18] Unfortunately, the use of many pesticides with known risks to children have grown exponentially over the last few decades. For example, scientists have warned that RoundUp and its active ingredient glyphosate have suspected links with cancer, liver disease, and developmental and metabolic disorders in young children that could lead to diabetes and cardiovascular disease later in life.[19] Babies exposed to glyphosate in rural areas are even born slightly earlier and underweight, which can lead to learning disability and increased infection.[20]

Even though diet has been shown to be a major source of glyphosate exposure, and even as other counties have banned this herbicide, use of this pesticide has grown substantially in this nation.[21] The United States Geographical Survey ("USGS") reports annual glyphosate use in agriculture has grown 2,700 percent since 1992 – from 10 million pounds a year to 280 million pounds a year in 2019.[22]

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[14] Syed Amir Ashraf et al., *Exposure to Pesticide Residue in Honey and its Potential Cancer Risk Assessment* 180 FOOD & CHEMICAL TOXICOLOGY 114014 (2023) https://www.sciencedirect.com/science/article/abs/pii/S0278691523004167; Fernando Rubio et. al *Survey of Glyphosate Residues in Honey, Corn and Soy Products* 5 J. ENVTL. & ANALYTICAL TOXICOLOGY (2014) https://www.hilarispublisher.com/open-access/survey-of-glyphosate-residues-in-honey-corn-and-soy-products-2161-0525.1000249.pdf

[15] Friends of the Earth, *Toxic Pesticides Found in Target's Baby Food* (Sept. 18, 2024) https://foe.org/toxic-pesticides-found-in-targets-baby-food/#h-what-we-found; EWG, *Pesticides in Baby Food* (July 1, 1995) https://www.ewg.org/research/pesticides-baby-food

[16] EFSA, *Scientific Opinion on Pesticides in Food for Infants and Young Children* 16 ESFA JOURNAL (2018) https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2018.5286

[17] Weldon, Rosana Hernandez, et al. *A pilot study of pesticides and PCBs in the breast milk of women residing in urban and agricultural communities of California*. Journal of environmental monitoring 13.11 (2011): 3136-3144.

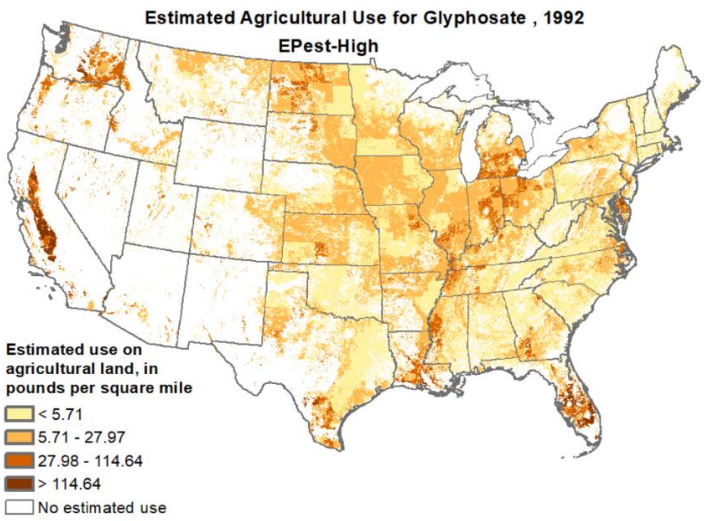
[18] *Clinton Praises Bill Regulating Pesticides* NY TIMES (Aug. 4, 1996) https://www.nytimes.com/1996/08/04/us/clinton-praises-bill-regulating-pesticides.html

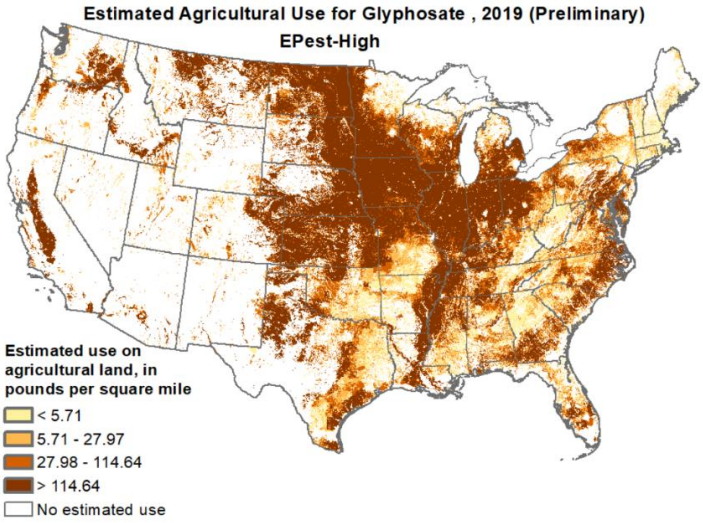
[19] Sheila Kaplan, *Childhood Exposure to Common Herbicide May Increase the Risk of Disease in Young Adulthood* BERKELY PUBLIC HEALTH (Mar. 1, 2023) https://publichealth.berkeley.edu/news-media/research-highlights/childhood-exposure-to-common-herbicide-may-increase-the-risk-of-disease-in-young-adulthood

[20] Erik Stokstad, *Common Weed Killer May be Harming Infants* SCIENCE (Jan. 21, 2025) https://www.science.org/content/article/common-weed-killer-may-be-harming-infants

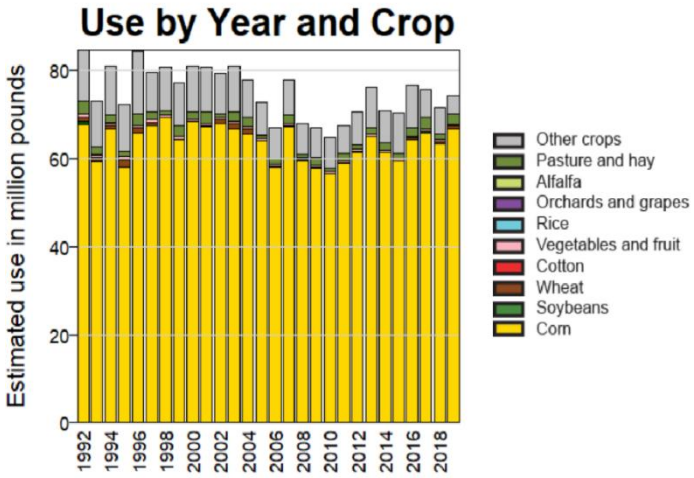
[21] USDA, *Perdue Statement on Vietnam's Ban on the Importation of Glyphosate* (Apr. 11, 2019) https://www.usda.gov/about-usda/news/press-releases/2019/04/11/perdue-statement-vietnams-ban-importation-glyphosate

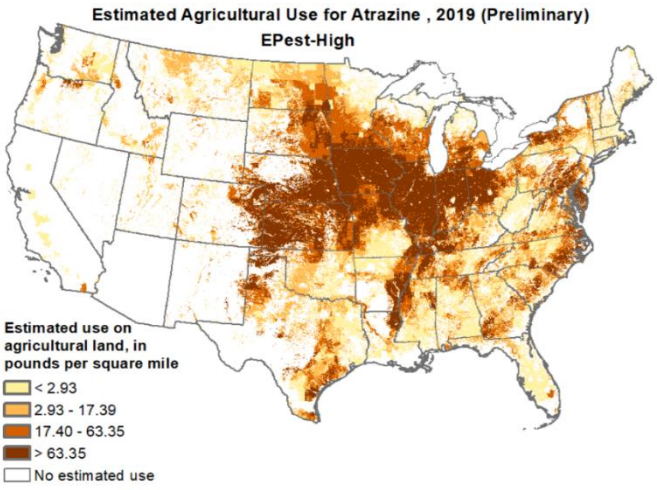
[22] USGS, "Estimate Annual Agricultural Pesticide Use: Pesticide Use Maps Glyphosate," 2019, https://water.usgs.gov/nawqa/pnsp/usage/maps/show_map.php?year=2019&map=GLYPHOSATE&hilo=L&disp=Glyphosate





Hormone-disrupting herbicides like atrazine has been in use since the 1950s even though scientists have warned may cause cancer, birth defects, chemical castration in frogs, and a host of other harmful health impacts. With respect to atrazine in particular, this extraordinarily toxic pesticide which is banned in 44 other countries, continues to be used at alarmingly, and consistently, high levels nationwide, with over 60 million pounds applied every year for the past 30 years:[23]





Atrazine was considered to be so toxic that it was been banned in the entire European Union in 2003 but is so persistent in the environment that it was still detectable in European groundwater supplies over two decades later.[24] In the United States, atrazine is not authorized for use in Hawaii,

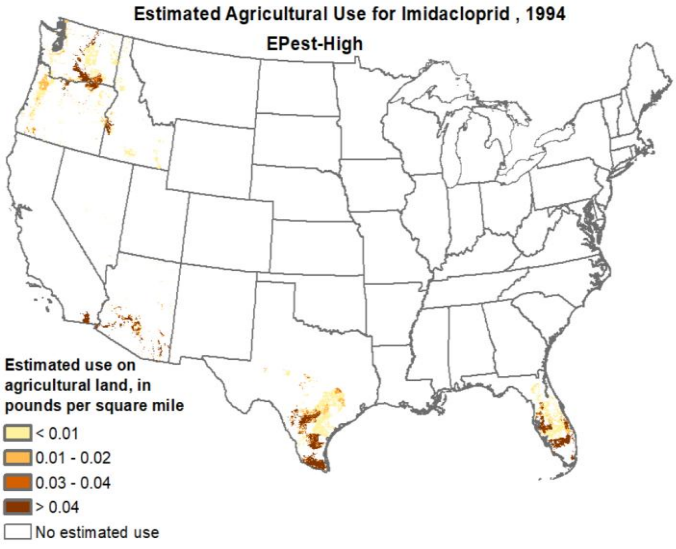
[23] USGS, "Estimate Annual Agricultural Pesticide Use: Pesticide Use Maps Atrazine," 2019, https://water.usgs.gov/nawqa/pnsp/usage/maps/show_map.php?year=2019&map=ATRAZINE&hilo=L&disp=Atrazine

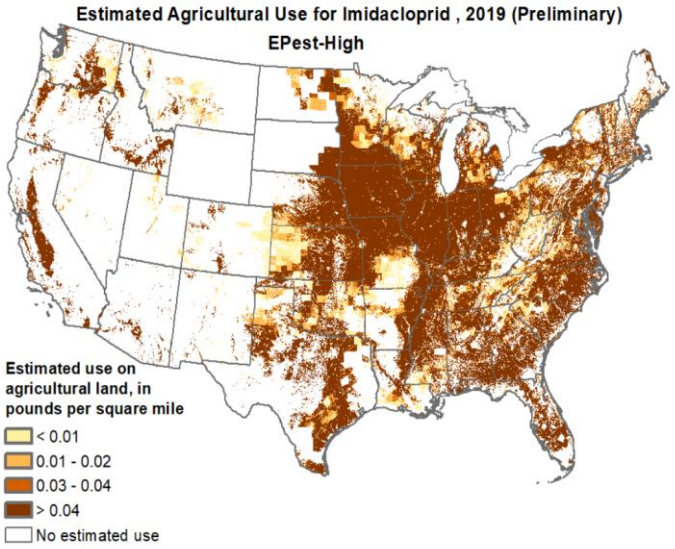
[24] Nicolai David Jablonowski et al, *Still Present After All These Years: Persistence Plus Potential Toxicity Raise Questions About the Use of Atrazine* 18 ENVTL. SCI. POLLUTION RES. INT. 328 (2010) https://pmc.ncbi.nlm.nih.gov/articles/PMC3030996/

but the EPA continues to authorize its use in all other states, and is detectable in drinking water, groundwater, and surface water across the nation at levels of concern.[25]

Atrazine belongs to a class of pesticides that are can be "endocrine disruptors," which can cause reproductive issues and hormonal irregularities.[26] The EPA is well-aware of this risk but continues to ignore multiple independent epidemiological studies finding that developing embryos and young children are at high risk of harm from atrazine.[27]

Under FIFRA, the EPA's review of pesticides is structurally biased towards the approval of pesticides, which has allowed the overwhelming majority of pesticides to be utilized in agricultural production ubiquitously and for long periods of time before harms are fully understood. Even when harms become clear, pesticides are almost never cancelled. For example, the neonicotinoid imidacloprid was approved for use by the EPA in 1994. After approving imidacloprid and other neonicotinoid pesticides, a scientific body of evidence began to associate this class of pesticides with not only the dramatic die-offs of pollinators across the county, but also with risks of damage to the developing nervous systems of children.[28] Less than two decades later, imidacloprid and other neonicotinoids became are so widespread that they are frequently found in drinking water and food and have been detected even in human urine, breast milk, cerebrospinal fluid, and amniotic fluid.[29]





[25] U.S. ASDTR, Atrazine Relevance to Public Health https://www.atsdr.cdc.gov/toxprofiles/tp153-c2.pdf; Marek Kucka et al, *Atrazine Acts as an Endocrine Disrupter by Inhibiting cAMP-specific Phosphodiesterase-4* 265 TOXICOLOGY APPL PHARMACOL. (2014) https://pmc.ncbi.nlm.nih.gov/articles/PMC4181665/

[26] U.S. ASDTR, Atrazine Relevance to Public Health https://www.atsdr.cdc.gov/toxprofiles/tp153-c2.pdf

[27] *Lawsuit Challenges EPA Reapproval of Endocrine-disrupting Pesticide Atrazine* (Oct. 30, 2020) https://biologicaldiversity.org/w/news/press-releases/lawsuit-challenges-epa-reapproval-endocrine-disrupting-pesticide-atrazine-2020-10-30/

[28] Nathan Donley et al, Neonicotinoid Pesticides: Evidence of Developmental Neurotoxicity from Regulatory Rodent Studies FRONT. TOXICOL. (2024) https://www.frontiersin.org/journals/toxicology/articles/10.3389/ftox.2024.1438890/full

[29] *Id.*

Over 1000 active ingredients are approved for use in the United States, with over 17,000 pesticide products available for use.[30] Atrazine, glyphosate, and the neonicotinoids represent a small fraction of the pesticides available to American farmers. Even with an abundance of safer options available for use at comparable cost, the United States continues to rely heavily on a handful toxic pesticides that contaminate our food and can make us sick. This includes not only atrazine, glyphosate, and the neonicotinoids but organophosphate pesticides previously used as a chemical weapon and later adapted for agricultural use that has been linked to autism spectrum disorder and fetal abnormalities.[31] Even pesticides as lethal as paraquat—where just one teaspoon can be fatal if ingested—remain in use despite their extreme danger.[32]

Agribusiness operations enjoy a near absent enforcement scheme that allows these hazardous pesticides to remain on food for years even in the rare instances where they are banned in the United States, while foreign nations exploit our permissive import structure to freely ship food adulterated with banned pesticides across our border and into American households. More than $40 billion annually is spent on childhood nutrition that must align with federal Dietary Guidelines for Americans, but the Guidelines functionally support the pervasive use of and exposure to toxic pesticides by failing to advise consumption of pesticide-free foods.[33] This dietary mandate comes even as scientific evidence continues to link the consumption of organic foods with reduced risk of chronic diseases and obesity.[34] Americans should not be made to subsidize the continued chemical assault on our food by propping up a crop insurance scheme that ignores pesticide use and intensity.

Therefore, this petition requests that: (1) the FDA promulgate an enforcement framework for domestic and international violations of pesticide tolerances, (2) the EPA ban on human food the subset of the worst agricultural pesticides, including many banned in other countries, still available in the United States, (3) to require the USDA to condition its subsidization of agriculture with the elimination of extraordinarily toxic pesticides on food crops for human consumption and (4) USDA and HHS to include clear language in the Dietary Guidelines for Americans to avoid foods produced with extraordinarily toxic pesticides.

PART 1: REQUIRE THE FDA TO ENFORCE PESTICIDE VIOLATIONS AND PREVENT FOREIGN NATIONS FROM IMPORTING CONTAMINATED FOOD.

Representative James Comer recently said that "there might not be a federal agency more integral to Americans' day-to-day lives than the FDA."[35] To be sure, the FDA has the critical responsibility of ensuring the food we eat is safe, and to that end, it is tasked with holding violators accountable

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[30] Pesticide Action & Agroecology Network, Pesticides 101 https://www.panna.org/resources/pesticides-101/

[31] Janie F. Shelton et al, *Neurodevelopment Disorders and Prenatal Residential Proximity to Agricultural Pesticides: The CHARGE Study* 122 ENVTL. HEALTH PERSPECTIVE 1103 (2014) https://pmc.ncbi.nlm.nih.gov/articles/PMC4181917/; Mathilde Lize et al, Prenatal Exposure to Organophosphate Pesticides in 11-Year-Old Children in the French PELAGIE Cohort 212 ENVTL. RES. (2022) https://pubmed.ncbi.nlm.nih.gov/35500857/

[32] U.S. EPA, Paraquat Dichloride: One Sip Can Kill https://www.epa.gov/pesticide-worker-safety/paraquat-dichloride-one-sip-can-kill

[33] Kelly, Leah. November 2024. *Sustainability in the Dietary Guidelines for Americans: Influence on Government Policy and Programs*. Center for Biological Diversity.

[34] Glibowski P. Organic food and health. Rocz Panstw Zakl Hig. 2020;71(2):131-136. doi: 10.32394/rpzh.2020.0110. PMID: 32519524. https://pubmed.ncbi.nlm.nih.gov/32519524/

[35] House Cmte on Oversight & Accountability, Oversight of the U.S. Food and Drug Administration (Apr. 11, 2024) https://oversight.house.gov/release/comer-the-fda-has-failed-to-prioritize-safety-and-incentivize-innovation/

when they import or distribute food adulterated with pesticides. Unfortunately, even though the FDA is tasked with enforcing the law, it does not have a robust system to prevent all the food that Americans consume from containing pesticide residues above even the "safe" level allowed by the EPA, including imported foods coated with extraordinarily toxic pesticides.

The Federal Food and Drug Cosmetic Act ("FDCA") tasks the EPA with determining the "safe" level of pesticide residue permitted on food – known as a pesticide tolerances.[36] However, these tolerances were rarely, if ever updated. As emerging research found that minor exposures to pesticides were extremely damaging to children, pesticides residues were detected in baby food.[37] The Food Quality Protection Act ("FQPA") was a "landmark bipartisan" bill to address this problem, requiring the EPA to consider childhood exposure in its tolerance decisions, and requiring those decision to be periodically updated to ensure they remain consistent with the most current science.[38]

While the FQPA directed the EPA to update its pesticide tolerances, the FDA was tasked with enforcing these new protections. However, the FQPA contained a provision – known as the "pipeline" or "channels of trade" provision" – that protected individuals who treated food with a now illegal level of pesticides.[39] The justification for this provision was that contaminated food "would be available in the marketplace for only a relatively short period" and provided that the EPA could still declare legally treated food unlawful if it presented an "unreasonable dietary risk."[40] In reality, the EPA has almost never issued a determination that unlawful pesticide residues present an unreasonable risk. The FDA compounds the problem, allowing adulterated foods to remain in commerce years after a tolerance was cancelled. For example, the FDA proposed that chlorpyrifos – a neurotoxic pesticide linked to cognitive delays in children – could exist in the channels of trade for "a total of 4.5 years from the last day of lawful application."[41]

Only when the EPA revokes or modifies a pesticide tolerance does it consider whether an "unreasonable dietary risk" exists as it solicits public comment. However, despite the FDA's expertise in food-based risk assessment, it has abdicated its duty and has never opposed, questioned, or even commented on the EPA's justifications for allowing now illegal levels of pesticides to remain in the channels of trade. As a result, it can take years before the FDA is able to enforce tolerances and protect the public from adulterated food. When the FDA does determine a date by which it will begin enforcing tolerances, it does so at its own discretion, as guidance, and at a date so far out that the public will have already faced significant exposure to adulterated foods. Even when this date is surpassed, weaknesses in the FDA's enforcement and monitoring scheme ultimately prevent it from protecting Americans from adulterated food.

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[36] 21 U.S.C. § 346a
[37] Natl. Pesticide Information Center, Pesticides and Children https://npic.orst.edu/health/child.html
[38] U.S. EPA, Accomplishments under the Food Quality Protection Act (Aug. 3, 2006) https://archive.epa.gov/pesticides/regulating/laws/fqpa/web/html/fqpa_accomplishments.html
[39] 21 U.S.C. § 346a(l)(5).
[40] House Cmte on Commerce, Subcmte on Health and Environment, Hearing on Food Quality Protection Act of 1995 at 56 (June 7 and 29, 1995)
[41] U.S. HHS, FDA, Questions and Answers Regarding Channels of Trade Policy for Human Food Commodities with Chlorpyrifos Residues: Guidance for Industry at 9 (2022) https://www.fda.gov/media/156012/download; Maryse F. Bouchard, PhD et al, *Attention-Deficit/Hyperactivity Disorder and Urinary Metabolites of Organophosphate Pesticides* 124 PEDIATRICS e1270 (2010) https://publications.aap.org/pediatrics/article-abstract/125/6/e1270/72448/Attention-Deficit-Hyperactivity-Disorder-and

In 1987, the Government Accountability Office ("GAO") issued a scathing report finding that the FDA monitoring and enforcement of pesticide tolerances was severely lacking. The GAO office reported that tolerance violations were:

> particularly serious with imported products, where not only is there inadequate coverage of certain pesticides, but some foods coming from various counties are not being tested for any pesticides at all. When FDA has identified foods containing illegal quantities of pesticide residues, enforcement actions have often been inadequate and do not deter future abuse.[42]

The GAO recommended then that the "FDA needs to take strong actions against the violations it detects in order to maximize deterrent capabilities of its monitoring program."[43] In response, President Ronald Reagan signed the Pesticide Monitoring Improvements Act of 1988 to require the FDA to prepare annual summaries of pesticide testing, establish cooperative agreements with other countries to assure compliance with pesticide tolerances, and report on how monitoring programs will inform the FDA enforcement activities.[44] At the time, GAO reported that "the kind of information and analysis called for by the bill will better enable the FDA to use its limited resources more effectively" by improving its monitoring, and therefore enforcement program.[45]

Unfortunately, even today, the FDA's enforcement regime has not deterred violations. It is true that the FDA monitors a broad range of foods samples and analyzes approximately 800 different pesticide residues.[46]. The 1987 GAO report found that "violations were about 4 percent of the total [food sampled], with imported food at 6.1 percent and domestic at 2.9 percent"[47] From 2009 to 2017, the FDA found annual tolerance violation rates from ranging from 0.9 percent to 4 percent for domestic crops, but between 4 percent and 12.6 percent for imported samples.[48] The most recent data from 2022 found that 3.8 percent of domestic foods and 10.5 percent of imported foods violated tolerances.[49] While violations of pesticide tolerances from domestically sourced foods has slowly grown over the last few decades, violations from food imported by foreign countries has nearly doubled, while comprehensive enforcement remains almost entirely absent. A review of warning letters posted by the FDA over the last five years show that only two were issued for pesticide tolerance violations that were only detected upon inspection of a facility.[50]

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[42] U.S. GAO, Federal Regulation of Pesticide Residues in Food (Apr. 30, 1987) https://www.gao.gov/products/t-rced-87-21
[43] *Id.*
[44] 7 U.S.C. § 1401, 1402, 1403
[45] GAO: Pesticide Monitoring Improvement Acts (Dec. 14, 1987) https://www.gao.gov/products/t-rced-88-12
[46] U.S. FDA, Pesticide Residue Monitoring Program Questions and Answers https://www.fda.gov/food/pesticides/pesticide-residue-monitoring-program-questions-and-answers
[47] U.S. GAO, Federal Regulation of Pesticide Residues in Food (1987) https://www.gao.gov/products/t-rced-87-21
[48] U.S. FDA, Monitoring of Pesticide Chemical Residues in Domestic and Imported Human Foods (FY 2009 to 2017) (2021) https://www.fda.gov/science-research/fda-science-forum/monitoring-pesticide-chemical-residues-domestic-and-imported-human-foods-fy-2009-2017
[49] U.S. FDA, Pesticide Residue Monitoring Report and Data for FY 2022 (2004) https://www.fda.gov/food/pesticides/pesticide-residue-monitoring-report-and-data-fy-2022
[50] U.S. FDA, Warning Letters https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/compliance-actions-and-activities/warning-letters

These "warning letters" are an integral part of the FDA's enforcement, but even when they are issued, industry views them as "an opportunity not a threat," as enforcement action may still not occur.[51] This is because the FDA's enforcement framework is a loose system of guidance that relies heavily on voluntary compliance rather than accountability. FDA retains so much enforcement discretion that any enforcement directive is rarely forthcoming and has virtually no deterrence effects.[52] While the FDA's Compliance Program Manual contains helpful definitions and processes the FDA *may* take to remedy a violation, substantial enforcement discretion and lack of follow-through means that violators are simply not deterred.[53] This petitions seeks to reverse this long-standing problem, implementing binding enforcement rules to promote real deterrence, allowing the FDA to vigorously defend the American people from the mass poisoning of our food from foreign countries.

First, the petition proposed rule would require that any dietary risk assessment performed by the EPA is informed by the FDA subject-matter expertise. This ensures that when the EPA is considering changes to pesticide tolerances, it is considering the most up-to-date monitoring data to root out potential harm in allowing tolerance violations to persist in the market. Failure to make this recommendation to the EPA means *any* tolerance violation is considered an adulteration, regardless of when the pesticide was applied.

Second, the FDA must make affirmative determinations published in the Federal Register as to all tolerance violations it will exempt under the FQPA's "pipeline" or "channels of trade" provision for any tolerance modification by the EPA. The FDA must make these determinations in no less than 10 days from any EPA pesticide tolerance modification. In the determination, the FDA must affirmatively define why a period of up to 1 year is protective of public health. Otherwise, all tolerance violations are considered an adulteration regardless of the date of application.

Third, any pesticide tolerance violation would trigger a mandatory seizure of all foods transported by the violating entity that fall within the food product category found to contain a tolerance violation in order to protect the public safety.

Finally, this would require immediate enforcement action against imports that violate U.S. law. One detection will automatically trigger the FDA to immediately detain without physically examining all offending foods coming from a foreign country or region. If five detections occur, all food products from that country or region should be detained as well. Once a detention occurs, the Secretary of the FDA may lift it only if that country of geographic area presents considerable evidence that the pesticide in question will not contaminate food heading to American households.

The Center hereby petitions the FDA to amend Title 21, Part 7 Subpart B to include an enforcement framework designed to prevent consumption of unlawful pesticide residues by American citizens by including the following language:

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[51] DuaneMorris, FDA Warning Letters Explained: An Opportunity, Not a Threat (Nov. 21, 2023) https://www.duanemorris.com/alerts/fda_warning_letters_explained_an_opportunity_not_threat_1123.html

[52] U.S. FDA, CPC Sec 575.100 Pesticide Residues in Food and Feed – Enforcement Criteria (Mar. 1995) https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-575100-pesticide-residues-food-and-feed-enforcement-criteria

[53] U.S. FDA, Compliance Program Manual, https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/compliance-manuals/compliance-program-manual

21 C.F.R. § 7.20 Dietary Risk Assessment

(a) Any time the Environmental Protection Agency proposes a revocation, suspension, or modification of a pesticide tolerance pursuant to Section 408 of the Federal Food, Drug, and Cosmetic Act, the Secretary must comment on the proposal with a recommendation as to whether the consumption of legally treated products during the period of its likely availability in commerce poses an unreasonable dietary risk.

(b) If the Secretary fails to provide this recommendation to Environmental Protection Agency, it must deem that any product intended for human consumption with unlawful pesticide residue is adulterated regardless of application time.

21 C.F.R. § 7.21 Channels of Trade Determinations

(a) The Secretary of the Food and Drug Administration must issue within 10 days of any pesticide chemical tolerance revocation, suspension, or modification under Section 408 of the Federal Food, Drug, and Cosmetic Act, a notice in the Federal Register that:

(1) Determines the final date, no greater than 1 year from the Environmental Protection Agency's actions, for which it will consider a violation of the tolerance at issue the result of lawful application.

(2) Includes a justification as to why this timeframe is sufficient to protect public health and,

(3) Includes a justification as to why no additional evidence is required within the timeframe.

(b) If the Secretary fails to publish this notice within this timeframe, it must deem that any product intended for human consumption with unlawful pesticide residue is adulterated regardless of application time.

21 C.F.R. § 7.22 Domestic violation of pesticide tolerances

(a) Any food product intended for human consumption originating in the United States found in violation of a tolerance order shall be considered adulterated requiring the Secretary to initiate immediate enforcement action, unless

(1) the commodity holder can demonstrate with sufficient evidence that the pesticide application occurred before the tolerance was revoked, suspended, or modified or;

(2) The residue is detected within the timeframe established by the Secretary in a notice published pursuant to 21 C.F.R. § 7.21

(b) If a pesticide chemical residue is not subject to either of these exceptions, the Secretary must immediately recommend to the U.S. Attorney General seizure of the adulterated food products within the same product category under 21 U.S.C § 334, provided that such residue exceeds an established tolerance.

21 C.F.R. § 7.23 International violation of pesticide tolerances

(a) Any food product intended for human consumption originating from outside the United States found in violation of a tolerance order shall be considered adulterated requiring the Secretary to initiate immediate enforcement action by initiating a Detention Without Physical Examination (DWPE) of the offending products, regardless of whether the violation occurs within the timeframe designated pursuant to a notice under 21 C.F.R. § 7.21

(1) Any the FDA unit or state and local unit where the FDA has determined that the sampling and testing conducted by such agencies is accurate, acceptable, and representative may request DPWE if it believes a tolerance has been violated by a

foreign import. One violative sample containing pesticide residues above legal limits shall support a recommendation for DWPE.

(2) The Center for Food Safety and Applied Nutrition is responsible for review of DWPE recommendations for both over-tolerance and no-tolerance violations. This review shall be limited to a finding of whether the tolerance was exceeded and shall not serve to reverse a DPWE for a violative import.

(c) When there is evidence that a product from a specific geographical area or country could pose a health hazard by virtue of continued violations of pesticide tolerances, DPWE shall be required without collection and analysis of a physical sample, provided that Center for Food Safety and Applied Nutrition concur on information provided indicating a pattern of continuous violations. DPWE is required for:

(1) Specific product(s) from a country or a specific geographic area when:

i. There are at least 1 detection in a recent six-month period or less

(2) Multiple product(s) from a country or specific geographic area when:

i. There are at least 5 detections in a recent six-month period and

ii. These detentions represent a variety of food products and constitute at least 5% of total shipments examined from that country.

(d) The Secretary may recommend removal of a country or geographic area from DPWE for violation of pesticide tolerances only if:

(1) The country or geographic area enters a minimum of 10 recent shipments without a violation.

(2) The country or geographic area demonstrates that there is an adequate program having government support set up to monitor and address the problem.

(3) Evidence is provided that demonstrates the problem no longer exists and that it is not reoccurring.

(4) Information is provided on the steps that have been instituted to prevent the occurrence of illegal pesticide residues in future shipments.

(5) If there is a defined growing season related to the food commodity, that the growing season has ended.

(e) The Secretary retains discretion to continue a DPWE even if these criteria are met for purposes of national security or public health.

(f) For purposes of this section, DPWE is defined as the process by which the FDA authorities detain a commodity that appears to be adulterated, misbranded, or otherwise in violation of the Federal Food, Drug, and Cosmetic Act.

PART 2: REQUIRE THE EPA TO PROTECT THE PUBLIC FROM EXTRAORDINARILY TOXIC PESTICIDES IN OUR FOOD.

Over one thousand pesticide active ingredients have been approved for use in the United States, but the EPA has only unilaterally removed six pesticide active ingredients from the market since 2000.[54] Extraordinarily toxic pesticides including atrazine, paraquat, organophosphates and neonicotinoids — many of which are banned in other nations — have remained on the market despite posing clear threats to human health. The failure of the EPA to protect Americans from these extraordinarily

[54] Nathan Donley, The USA Lags Behind Other Agricultural Nations in Banning Harmful Pesticides 44 ENVTL. HEALTH (2019) https://ehjournal.biomedcentral.com/articles/10.1186/s12940-019-0488-0; *See. e.g.* U.S. EPA, EPA Finalizes Cancellation of the Pesticide Dachtal (Oct. 22, 2024) https://www.epa.gov/newsreleases/epa-finalizes-cancellation-pesticide-dacthal

toxic pesticides is in part a failure of FIFRA – the law that governs the approval of pesticides. Once a pesticide is approved, it is very difficult to remove it from the market under FIFRA.[55]

Even when FIFRA keeps extraordinarily toxic pesticides in use, the Federal Food, Drug, Cosmetic Act ("FDCA") was supposed act as a backstop to ensure that even when these toxic pesticides are used in agriculture, that they do not contaminate our food. The FDCA empowers the EPA to set the maximum allowable limit of pesticide residues that may remain on food meant for human consumption.[56] These limits, known as "tolerances," are meant to represent the "safe" level of pesticide residue that may be consumed, but upon passage of the FDCA, this "safe" level did not recognize the threats even small exposure of pesticide residues could have to infants and children. The bipartisan Food Quality Protection Act ("FQPA") was passed in response to pesticides contaminating large quantities of baby food to remedy this problem, requiring that tolerances are more protective of children and periodically updated to reflect the most current science.

These efforts to prevent toxic pesticides from contaminating our food have failed, primarily because the science underlying tolerances is almost entirely funded by the pesticide industry.[57] Companies may produce many studies on a pesticides safety, but only publish ones that produce a favorable result.[58] Labs associated with pesticide approvals have been accused of potential fabrication of data that are eventually sent to the EPA to reach predetermined outcomes.[59] And when researchers do work on ways to reduce pesticides or the benefits of alternative agricultural approaches, they may lose funding or work from government agencies.[60] Worse still, researches who publish studies on potential harm from pesticides face attacks by industry to their scientific credibility, ethics, and even personal lives.[61]

The ultimate result of lax pesticide regulation is in lower quality food that harms our health. Last year, for example, the EPA relied on a flawed model to increase the "safe" level of organophosphate pesticides that a child can consume, despite significant evidence of cancer development.[62] Pesticides previously deemed unsafe for human consumption at any level are now permitted on fruits and vegetables primarily due to the influence of agrochemical companies.[63] The result is a food supply where an overwhelming amount of pesticides are legally permitted on food, despite potential harms to human health.

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[55] *Id.*
[56] U.S. EPA, About Pesticide Tolerances https://www.epa.gov/pesticide-tolerances/about-pesticide-tolerances
[57] Sebastien Sauve *Pesticide Research Must Stay Transparent and Independent* The Conversation (May 9, 2019) https://theconversation.com/pesticide-research-must-stay-transparent-and-independent-112821
[58] *Id.*
[59] U.S. EPA, *EPA Halts Acceptance of Data for Pesticide Registration from a Non-Compliant Laboratory* (May 24, 2024) https://www.epa.gov/pesticides/epa-halts-acceptance-data-pesticide-registration-non-compliant-laboratory
[60] CBC News, *Quebec's Agriculture Minister Defends Decision to Fire Whistleblower*, CBC (Jan. 31, 2019) https://www.cbc.ca/news/canada/montreal/agricultural-minister-defends-whistleblower-firing-1.4999997
[61] Rachel Aviv, *A Valuable Reputation* THE NEW YORKER (Feb. 2, 2014) https://www.newyorker.com/magazine/2014/02/10/a-valuable-reputation
[62] U.S. EPA, EPA Releases Updated Draft Risk Assessment for Pesticide Malathion (Mar. 1, 2024) https://www.epa.gov/pesticides/epa-releases-updated-draft-risk-assessment-pesticide-malathion
[63] What You Need to Know About Chlorpyrifos (Apr. 9, 2024) https://earthjustice.org/feature/chlorpyrifos-what-you-need-to-know

Paraquat is an extremely dangerous pesticide that is currently banned in more than 70 countries, but still approved for use in the United States.[64] Last December, California officials released findings that link the herbicide with significant human health harms, including thyroid disease and birth defects.[65] It is one of the most lethal pesticides in use today, with a wide range of alternatives available, and yet the EPA still has not moved to ban it, let alone restrict the amount that can be found on food.

Glyphosate is the most commonly used herbicide in the United States and has been designated a "probable carcinogenic to humans" by the International Agency for Research on Cancer.[66] This chemical remains on the market not because it is entirely safe, but in part because of the influence of the chemical industry on the EPA's approval process. For instance, when the U.S. Department of Health and Human Services announced it would be reviewing glyphosate's safety, an EPA official assured Monsanto he would work to thwart the review, saying, "If I can kill this, I should get a medal." The Health and Human Services review was delayed for three years.[67]

Atrazine is the second most common herbicide after glyphosate, even though it has been banned in the European Union since 2003 and linked to reproductive issues and hormonal irregularities.[68] Atrazine is now banned or being phased out in 44 countries around the world, and instead of similar bold action, the EPA has just proposed a series of mitigations with so many exceptions and weaknesses that they ultimately do next to nothing.[69] Atrazine is toxic at extremely low levels, and nothing less than a tolerance revocation will suffice.

Neonicotinoids are a class of insecticides linked to birth defects of the heart and brain, learning disorders, ADHD, autism spectrum disorder, damage to the nervous system, and hormone disruption.[70] A review of studies submitted to the EPA as part of the reapproval of these pesticides

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[64] Pesticide Action Network International, PAN International Consolidated List of Banned Pesticides, https://pan-international.org/pan-international-consolidated-list-of-banned-pesticides/; U.S. EPA, Paraquat Dichloride: One Sie Can Kill https://www.epa.gov/pesticide-worker-safety/paraquat-dichloride-one-sip-can-kill

[65] California Dept. Pesticide Regulation, Paraquat Dichloride https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/paraquat.htm

[66] Sheila Kaplan, *Childhood Exposure to Common Herbicide May Increase the Risk of Disease in Young Adulthood* BERKELY PUBLIC HEALTH (Mar. 1, 2023) https://publichealth.berkeley.edu/news-media/research-highlights/childhood-exposure-to-common-herbicide-may-increase-the-risk-of-disease-in-young-adulthood; Erik Stokstad, *Common Weed Killer May be Harming Infants* SCIENCE (Jan. 21, 2025) https://www.science.org/content/article/common-weed-killer-may-be-harming-infants

[67] EPA Official Accused of Helping Monsanto 'Kill' Cancer Study BLOOMBERG (Mar. 14, 2017) https://www.bloomberg.com/news/articles/2017-03-14/monsanto-accused-of-ghost-writing-papers-on-roundup-cancer-risk

[68] Nicolai David Jablonowski et al, *Still Present After All These Years: Persistence Plus Potential Toxicity Raise Questions About the Use of Atrazine* 18 ENVTL. SCI. POLLUTION RES. INT. 328 (2010) https://pmc.ncbi.nlm.nih.gov/articles/PMC3030996/; *Lawsuit Challenges EPA Reapproval of Endocrine-disrupting Pesticide Atrazine* (Oct. 30, 2020) https://biologicaldiversity.org/w/news/press-releases/lawsuit-challenges-epa-reapproval-endocrine-disrupting-pesticide-atrazine-2020-10-30/

[69] Nathan Donley *Op-Ed: Countries All Over the World are Banning Atrazine. The U.S. Just Keeps Spraying* (Aug. 2, 2022) https://www.ehn.org/atrazine-herbicide-2657786363.html

[70] Friends of the Earth, *Toxic Pesticides Found in Target's Baby Food* (Sept. 18, 2024) https://foe.org/news/toxic-pesticides-contaminate-targets-baby-food/

further revealed evidence of potential harms to human brain development, which the EPA has summarily ignored.[71]

Organophosphates are class of pesticides that were originally used as nerve agents in chemical warfare as far back as the 1930s.[72] Organophosphates were not commercialized as pesticides until after World War II, but 80 years later, these dangerous pesticides still remain in use.[73] Despite well-documented toxicity to children and infants, the EPA continues to authorize higher tolerances of organophosphates and erase protections for childhood exposure.[74]

2-4,D is perhaps most famous for being an ingredient in Agent Orange. This herbicide is a widespread water contaminant, with traces of it found in 37-95 percent of all surface water samples tested.[75] From 2007 to 2012, there were over 2,000 incidents reported to the EPA involving neurological, respiratory, liver, and kidney dysfunctions,[76] a remarkable figure given the rampant underreporting of pesticide incidents.[77] 2-4,D is a suspected endocrine disruptor,[78] and its use is currently exploding in the U.S. due to the rise of glyphosate tolerant weeds.[79]

This petition requests the EPA to cancel tolerances for these extraordinarily toxic pesticides – atrazine, glyphosate, neonicotinoids, paraquat, and organophosphates – that are ubiquitous in our food supply and that present demonstrated risks to human health.

The Center hereby petitions the EPA pursuant to 21 U.S.C. § 346a(d)(1)(A) to revoke the tolerances for the pesticides specified below.

Atrazine

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[71] Nathan Donley et al., Neonicotinoid Pesticides: Evidence of Developmental Neurotoxicity from Regulatory Rodent Studies FRONT. TOXICOL. (2024) https://www.frontiersin.org/journals/toxicology/articles/10.3389/ftox.2024.1438890/full

[72] Taiza Figueiredo et al., *Accute and Long-term Consequences of Exposure to Organophosphate Nerve Agents in Human* 59 EPILEPSIA (2018) https://pmc.ncbi.nlm.nih.gov/articles/PMC6172147/

[73] Lucio G Costa, *Organophosphorus Compounds at 80: Some Old and New Issues* 162 TOXICOLOGY SCI. 24 (2017) https://pmc.ncbi.nlm.nih.gov/articles/PMC6693380/

[74] Maryse F. Bouchard et al., *Attention-Deficit/Hyperactivity Disorder and Urinary Metabolites of Organophosphate Pesticides* 125 Pediatrics e1270 (2010)https://publications.aap.org/pediatrics/article-abstract/125/6/e1270/72448/Attention-Deficit-Hyperactivity-Disorder-and

[75] EPA, Preliminary Ecological Risk Assessment for Registration Review of 2,4-D, at 24 (June 29, 2016), https://www.regulations.gov/document?D=EPA-HQ-OPP-2012-0330-0047

[76] EPA, 2,4-D: Tier II Incident Report, at 2-3 (June 28, 2016), https://www.regulations.gov/document?D=EPA-HQ-OPP-2012-0330-0046

[77] Nathan Donley and Robert Bullard, U.S. Pesticide Regulation is Hailing the Hardest-Hit Communities. It's Time to Fix It. BROOKINGS (2024). https://www.brookings.edu/articles/us-pesticide-regulation-is-failing-the-hardest-hit-communities-its-time-to-fix-it/

[78] EPA, Reregistration Eligibility Decision for 2,4-D (2005), http://www.epa.gov/pesticides/reregistration/REDs/24d_red.pdf; Garry, V.F., et al., Biomarker correlations of urinary 2,4-D levels in foresters: genomic instability and endocrine disruption, 109(5) Environ Health Perspect 495-500 (2001); Schreinemachers, D.M., Perturbation of lipids and glucose metabolism associated with previous 2,4-D exposure: a cross-sectional study of NHANES III data, 1988-1994, 9 Environ Health 11 (2010)

[79] Marlaina S. Freisthler et. al., Association Between Increasing Agricultural Use of 2,4-D and Population Biomarkers of Exposure; Findings from the National Health and Nutrition Examination Survey, 2001-20014. ENVIRONMENTAL HEALTH. (2022)

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.220 for Atrazine.

Glyphosate

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.364 for Glyphosate.

Paraquat

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.205 for Paraquat.

2-4,D

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.142 for 2-4,D.

Neonicotinoids

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.472 for Imidacloprid.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.586 for Clothianidin.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.565 for Thiamethoxam.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.578 for Acetamiprid.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.603 for Dinotefuran.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.668 for Sulfoxaflor.

Organophosphates

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.108 for Acephate.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.241 for Bensulide.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.342 for Chlorpyrifos.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.153 for Diazinon.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.204 for Dimethoate.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.262 for Ethoprop.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.111 for Malathion.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.215 for Naled.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.206 for Phorate.

Pursuant to 21 U.S.C. § 346a(d)(1)(A), the Center petitions the EPA to revoke tolerances under § 40 C.F.R. 180.261 for Phosmet.

PART 3: REQUIRE THE USDA TO CONDITION CROP INSURANCE ON THE ELIMINATION OF TOXIC PESTICIDES ON FOOD CROPS.

In the United States, nearly 500 million acres of cropland are insured under the Federal Crop Insurance Program, which subsidizes agricultural producers against financial losses resulting from yield loss, crop failures, or price decreases.[80] Almost 75 percent of eligible acres are enrolled in a program that is subsidizes losses from pest outbreaks, but even so, the overapplication of pesticides is often the first choice of many enrolled growers, even if judicious use of non-pesticide controls yields better results.[81]

In the United States, enrollment in crop insurance has a "positive, statistically significant, and numerically large effect for nitrogen use, pesticide expenditures, and insecticide and herbicide acre-treatments."[82] Growers reduce their investment in preventative integrated pest management, shift towards higher risk practices that build pesticide resistance, or overinvest and overapply pesticides in response to perceived loss. As a result, pesticide use is "substantially higher" among growers enrolled in federal crop insurance, which ultimately "tends if anything to promote chemical use, rather than the reverse."[83]

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[80] USDA, Risk Management – Crop Insurance at a Glance (Jan. 1, 2025) https://www.ers.usda.gov/topics/farm-practices-management/risk-management/crop-insurance-at-a-glance

[81] John K. Horowitz & Erik Lichtenberg, Insurance, Moral Hazard, and Chemical Use in Agriculture 75 AMERICAN J. OF AGRICULTURAL ECONOMY 926 (1993) https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=a97423721b8f876d61c1de6225d965715eccdba8

[82] *Id.*

[83] *Id.*

The Federal Crop Insurance Act recognizes the role it should play in encouraging reductions in pesticide use, specifically providing that insurance shall not cover losses associated with "the failure of the producer to follow good farming practices, including scientifically sound sustainable and organic farming practices"[84] The USDA's implementing regulations define "good farming practices" as "generally recognized cultural practices" that are "generally recognized by agricultural experts."[85] In 2024, the USDA published an update to a guidance document that seeks to establish criteria for "good farming practices," but it did not include explicit criteria on chemical reduction for conventional agriculture.[86] Without explicit recognition of the role crop insurance must play in reducing chemical inputs, large-scale growing operations that are deteriorating the quality of the environment will continue to receive subsidies while unnecessarily spraying dangerous pesticides.

Therefore, these proposed changes require the USDA to amend its regulations and require eligibility for crop insurance on those crops grown for human food to be conditioned on the cessation in use of extraordinarily toxic pesticides, which are discussed in further detail in Part 2 of this petition. Growers should only remain eligible if they cease use of these specific pesticides, or if they enter into a pesticide reduction plan with the USDA where continued eligibility is conditioned on year over year reductions of that pesticide until eventual elimination.

The Center hereby petitions the USDA to amend 7 C.F.R. §§ 400.679 and 457.8 to required pesticide cessation and reduction as a condition of crop insurance eligibility (all changes to the regulations are set forth in red text).

7 C.F.R. § 400.679 Criteria for ineligibility.
Except as otherwise provided, a person is ineligible to participate in any program administered under the authority of the Act if the person meets one or more of the following criteria:
[…]
(h) is an individual using or planning to use any pesticides deemed incompliant with good farming practices as defined by 7 C.F.R. 457.8 on the insured crop intended for human consumption, unless they are enrolled in and compliant with a pesticide elimination plan outlined under 7 C.F.R. 457.8 20.(d)(4)

7 C.F.R. § 457.8 The application and policy.
[…]
20. Appeal, Reconsideration, Administrative and Judicial Review.
[…]
(d) With respect to good farming practices:
[…]
(3) The use of the following chemicals in the production of an insured crop intended for human consumption are inconsistent with good farming:
(i) Glyphosate
(ii) Paraquat
(iii) Atrazine

[84] 7 U.S.C. § 1508(a)(3)(A)(iii)
[85] 7 C.F.R. § 1437.3
[86] USDA, Good Farming Practices Determination Standards Handbook (Dec. 3, 2024). https://www.rma.usda.gov/sites/default/files/2024-12/2025-14060-Good-Farming-Practice-Determination-Standards.pdf

(iv) 2-4,D
(v) Imidacloprid
(vi) Clothianidin
(vii) Thiamethoxam
(viii) Acetamiprid
(ix) Sulfoxaflor
(x) Dinotefuran
(xi) Acephate
(xii) Bensulide
(xiii) Chlorpyrifos
(xiv) Diazinon
(xv) Dimethoate
(xvi) Ethoprophos
(xvii) Malathion
(xviii) Naled
(xix) Phorate
(xx) Phosmet

(4) Applicants using any chemical under subsection (3) may still demonstrate good farming practices only if they provide sufficient evidence that they will reduce the use of the incompliant pesticide by 50 percent year-over-year with the goal of eliminating use of the specific pesticide within five years. Failure to follow this pesticide elimination plan will result in ineligibility under 7 C.F.R. 400.679(h).

PART 4: REQUIRE THE USDA AND HHS TO INCLUDE A RECOMMENDATION IN THE 2025-2030 DIETARY GUIDELINES FOR AMERICANS TO ELIMINATE FOODS PRODUCED WITH EXTRAORDINARILY TOXIC PESTICIDES AND CHOOSE ORGANIC FOODS WHENEVER POSSIBLE.

The National Nutrition Monitoring and Related Research Act of 1990, 7 U.S.C. § 5341, establishes the Dietary Guidelines for Americans "shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program." The Act allows for the Guidance to address how food is produced, and prioritizing foods grown without extraordinarily toxic pesticides is essential to achieving the intended goals of the Guidelines "…to promote health and prevent disease."[87]

The Dietary Guidelines for Americans has consistently interpreted the definition of "health" beyond nutrients alone for the past 25 years, including addressing how food is produced, food safety, and the need for systems change to improve the health of all Americans. For example:

- The 1995 Dietary Guidelines for Americans included guidance on physical activity.[88] It also discussed how food is produced, advising people multiple times to "read the labels" to find

[87] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025.* 9th Edition. December 2020. pg viii.
[88] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Nutrition and Your Health: Dietary Guidelines for Americans.* 4th Edition. 1995. pg 15-16.

foods processed in specific ways that advance health, such as choosing tortillas made from lime-processed corn, tofu processed with calcium sulfate, and fortified foods.[89]

- The 2000 Dietary Guidelines for Americans included fitness as one of its core pillars, advising people to be physically active every day.[90] This edition introduced a chapter on food safety practices with recommendations from hand-washing to food storage.[91]
- The physical activity and food safety themes were carried forward in the 2005 edition of the Guidelines, which dropped "Nutrition and Your Health" from the document's title.[92]
- In 2010, in addition to physical activity and food safety, the Dietary Guidelines for Americans introduced the influence of food environments and the role of nutrition policy in ensuring Americans are able to purchase and consume healthy foods. It recognizes the need for "a coordinated system-wide approach…that engages all sectors of society, including individuals and families, educators, communities and organizations, health professionals, small and large businesses, and policymakers" with a call to action that includes "[d]evelop and expand safe, effective, and sustainable agriculture and aquaculture practices to ensure availability of recommended amounts of healthy foods to all segments of the population."[93] (p55-57)

The most recent iterations of the Dietary Guidelines for Americans, released in 2015 and 2020, continue providing recommendations throughout for physical activity, food safety, and addressing food environments.[94,95] This long and extensive history of including topics that broadly influence diet and health beyond a narrow interpretation of nutrient consumption show that the Guidance can and must provide information and instruction to avoid consuming foods produced with extraordinarily toxic pesticides. Therefore, it is well within the purview of the Dietary Guidelines, and including a recommendation in the 2025-2030 edition would advance the purpose and the goals of the report.

The Center hereby petitions the USDA and HHS to include recommendations in the 2025-2030 edition of the Dietary Guidelines for Americans advising people of all ages to avoid foods produced with extraordinarily toxic pesticides and to seek out organic alternatives by including the following language:

Guideline: Avoid Foods Produced With Extraordinarily Toxic Pesticides and Choose Organic Foods Whenever Possible

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[89] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Nutrition and Your Health: Dietary Guidelines for Americans.* 4th Edition. 1995. pg 10.
[90] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Nutrition and Your Health: Dietary Guidelines for Americans.* 5th Edition. 2000. pg 10-12.
[91] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Nutrition and Your Health: Dietary Guidelines for Americans.* 5th Edition. 2000. pg 24-26.
[92] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans 2005.* 6th Edition. 2005. pg 19-22, 47-50.
[93] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans 2010.* 7th Edition. 2005. pg 55-57.
[94] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2015-2020.* 8th Edition. December 2015.
[95] U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025.* 9th Edition. December 2020.

Healthy eating to improve nutritional health and reduce risks of chronic disease depends not only on what an individual eats but also how it's produced. Agricultural pesticides have been linked with numerous diseases, including cancers, developmental disorders, reproductive harm and birth defects. Leading experts have identified several health benefits to regular and frequent consumption of organic foods, including reduced risk of overweight and obesity.

Foods that are most often contaminated with extraordinarily toxic pesticides including atrazine, glyphosate, organophosphate insecticides and neonicotinoid insecticides should always be avoided. Foods whose constituent ingredients are not organic, and likely include residues of all other pesticides, should be avoided when possible. In situations where food produced without pesticides may be harder to purchase due to low access to grocery stores or budgetary constraints, individuals should prioritize organic fruits, vegetables, legumes, dairy and meat whenever possible and minimize consumption of ultra-processed foods in order to achieve optimal health.

CONCLUSION

In his first term, President Ronald Reagan was faced with a significant public health crisis when the carcinogenic pesticide ethylene dibromide was found in the nation's groundwater and grain supply. President Reagan "moved against the dangerous pesticide" to issue an emergency suspension of the chemical to ensure that the food we eat and the water we drink was not contaminated.[96]

Today, the problem of pesticide contamination is much more widespread, now pesticide are so ubiquitous in the food system that it is nearly impossible to avoid them. Chronic disease has also ballooned into an epidemic, as American life-expectancy begins to drop. Making America healthy again requires commonsense solutions to address pesticide pollution, and to ensure that the food we eat, the food we feed our children, is not poisoned by extraordinarily toxic pesticides.

Please do not hesitate to reach out if you have any questions, seek clarification, or would like to further discuss any of the content of this petition.

[96] Ronald Reagan, Remarks to National Campers and Hikers Association in Bowling Green, Kentucky (July 12, 1984) https://www.reaganlibrary.gov/archives/speech/remarks-national-campers-and-hikers-association-bowling-green-kentucky